

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
S/S German Hill Road, 100' W of
the c/l of McComas Avenue
203 German Hill Road)
12th Election District
7th Councilmanic District
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-548-A
Michael J. Reddy, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 4 feet in lieu of the minimum required 7.5 feet for an open projection (wheelchair ramp) in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of July, 1990 that the Petition for Residential Variance to permit a side yard setback of 4 feet in lieu of the minimum required 7.5 feet for an open projection (wheelchair ramp), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

J. Robert Haines
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/3/90
By J. Robert Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 31, 1990

Mr. & Mrs. Michael J. Reddy
203 German Hill Road
Baltimore, Maryland 21222
RE: PETITION FOR RESIDENTIAL VARIANCE
S/S German Hill Road, 100' W of the c/l of McComas Avenue
(203 German Hill Road)
12th Election District - 7th Councilmanic District
Michael J. Reddy, et ux - Petitioners
Case No. 90-548-A

Dear Mr. & Mrs. Reddy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-548-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.C.1 and 301.1 To permit a 4 ft. side yard setback in lieu of the minimum 7.5 ft. for an open projection (wheelchair ramp).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

DAUGHTER CONFINED TO WHEELCHAIR MUST USE RAMP TO GAIN ACCESS TO DWELLING. RAMP BECOMES UNACCESSIBLE DURING BAD WEATHER BECAUSE LACK OF PROTECTION OVER RAMP RAMP IN NEED OF GROUND OR ROOF

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County at _____, 100, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____ M.

ZONING COMMISSIONER OF BALTIMORE COUNTY

Beginning on the south side of German Hill Road, 50 feet wide, at the distance of 100 feet west of the centerline of McComas Avenue. Being Lot 137 in the subdivision of Gray Manor, Plat Book 12, Folio 112. Also known as 203 German Hill Road (containing .156 acres in the 12th Election District

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 6/25/90
Posted for: Variance
Petitioner: Michael John Reddy, et ux
Location of property: S/S German Hill Rd., 100' W of McComas Ave.
203 German Hill Rd.
Location of Sign: Facing German Hill Rd., approx. 15 ft. west of property of Petitioner
Remarks: Posting as per party of Petitioner
Posted by: [Signature] Date of return: 6/29/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
112 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 2730

Date

8/13/90

H9000440

PUBLIC HEARING FEES QTY PRICE

010 -ZONING VARIANCE (IRL) 1 X \$35.00

080 -POSTING SIGNS / ADVERTISING 1 X \$25.00

TOTAL: \$60.00

LAST NAME OF OWNER: REDDY

B 8033*****5000: a 3132F
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 20, 1990

Mr. & Mrs. Michael John Reddy
203 German Hill Road
Baltimore, Maryland 21222

RE: CASE NUMBER: 90-548-A
ITEM NUMBER: 440
LOCATION: 203 German Hill Road

Dear Mr. & Mrs. Reddy:

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 4, 1990, the last date (closing date) on which a neighbor may file a formal request for hearing in July 19, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Knowing no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 5, 1990

Mr. & Mrs. Michael J. Reddy
203 German Hill Road
Baltimore, MD 21222

RE: Item No. 440, Case No. 90-548-A
Petitioner: Michael J. Reddy, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Reddy:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

90-548-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at 203
GERMAN HILL ROAD BALTIMORE MARYLAND 21222
 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
DAUGHTER CONFINED TO WHEELCHAIR-MUST USE RAMP
TO GAIN ACCESS TO DWELLING-RAMP BECOMES UNACCESS-
IBLE DURING BAD WEATHER BECAUSE LACK OF PROTECTION
OVER RAMP RAMP IN NEED OF CANOPY OR ROOF

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Michael John Reddy Affiant (Handwritten Signature)
Linda Frances Reddy Affiant (Handwritten Signature)
MICHAEL JOHN REDDY Affiant (Printed Name)
LINDA FRANCES REDDY Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 12th day of June, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Michael John Reddy and Linda Frances Reddy, the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
June 12, 1990
Carmen Ruppel
 NOTARY PUBLIC
 My Commission Expires: July 1, 1990

Baltimore County
 Zoning Commissioner
 Office of Planning and Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner



Dennis F. Rasmussen
 County Executive

Your petition has been received and accepted for filing this
 13th day of June, 1990.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

Received By:
James E. Hynes
 Chairman,
 Zoning Plans Advisory Committee

Petitioner: Michael J. Reddy, et ux
 Petitioner's Attorney:

Baltimore County
 Fire Department
 700 East Joppa Road, Suite 901
 Towson, Maryland 21204-5500
 (301) 887-4500

Paul H. Reincke
 Chief

JUNE 28, 1990



Dennis F. Rasmussen
 County Executive

J. Robert Haines
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, MD 21204

RE: Property Owner: MICHAEL JOHN REDDY

Location: #203 GERMAN HILL ROAD

Item No.: 440 Zoning Agenda: JULY 3, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Carl J. Kelly Noted and Carl W. F. Bieda Approved
 Planning Group File Prevention Bureau
 Special Inspection Division

JK/KEK

JL 05 800

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JUNE 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C-2-B

SUBJECT: ZONING ITEM #: 440
 PROPERTY OWNER: Michael John Reddy, et ux
 LOCATION: S/S German Hill Rd, 100' W centerline McComas Ave.
 (#203 German Hill Road)
 ELECTION DISTRICT: 12th
 COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION C-01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (*) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER - NO OTHER COMMENTS

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
 Zoning Commissioner

DATE: July 19, 1990

FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning

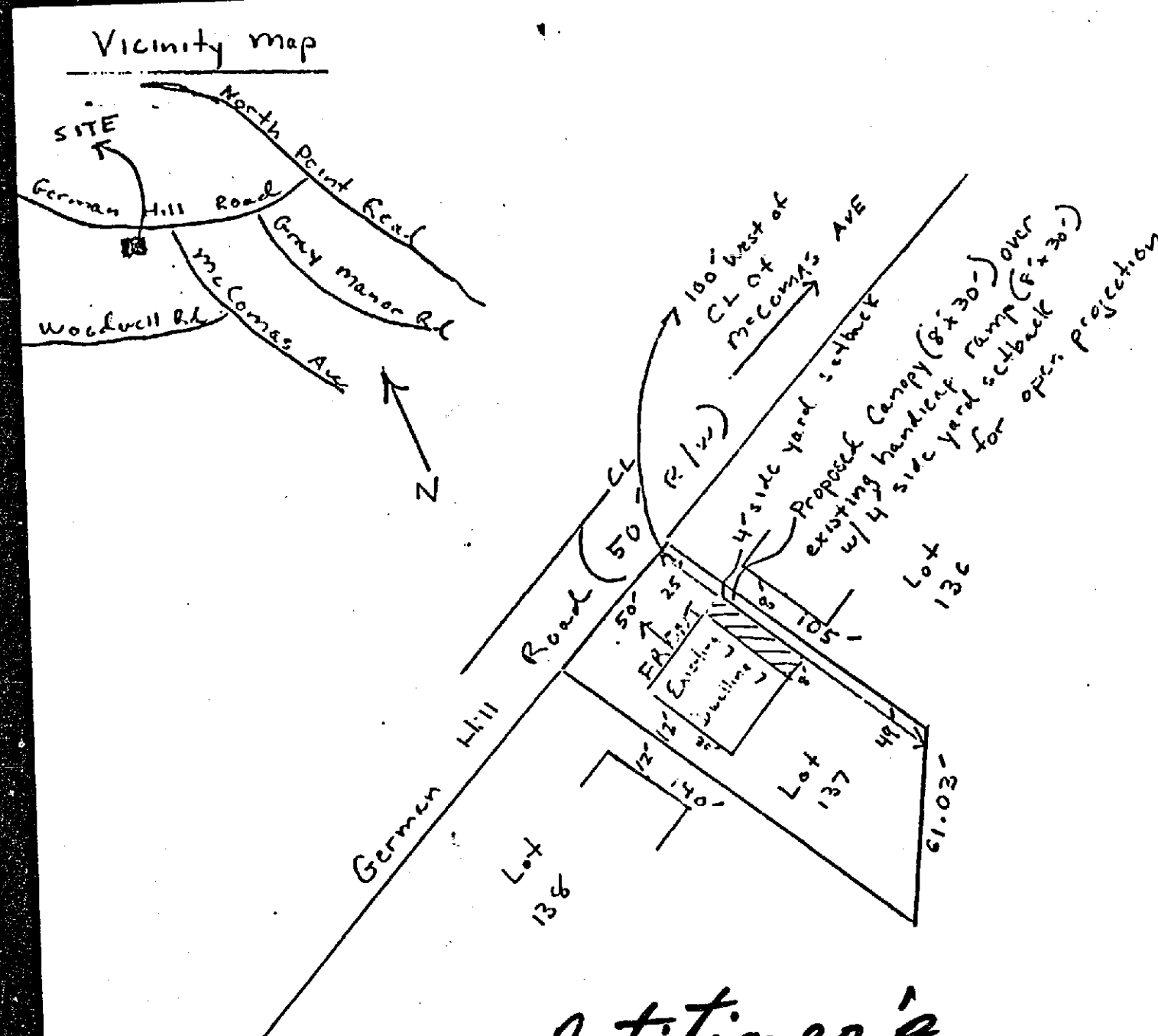
SUBJECT: James F. Seal, Item No. 1
 James R. Gernhart, Jr., Item No. 3
 William A. Jenkins, et al, Item No. 5
 Richard M. Post, Item No. 7
 Robert Lee Rodowski, Item No. 8
 Seven Courts Development Partnership, et al, Item No. 9
 Roger Scott Weinberg, Item No. 10
 George MacDonald, Item No. 14
 Olwyn Diamond, Item No. 419
 Philip Diamond, Item No. 420
 Mark K. Harvey, Item No. 440
 Michael John Reddy, Item No. 441
 David Seymour Allen, Item No. 442
 Robert Frank Bolling, Item No. 442
 Robert Frank Bolling, Item No. 442
 Nicholas Stamatacos/Angelina Stamatacos, Item No. 444
 Stephen B. Leese, Sr., Item No. 445
 Harry R. Kleinhen, Item No. 447
 Alpha J. Davis, Jr. Item No. 448
 Judith L. Early, Item No. 455
 David Shimony, Item No. 456
 Kirk Riggs, Item No. 457
 James M. Burke, Item No. 458
 James M. Burke, Item No. 459
 John A. Meyers, Item No. 463

In reference to the above-mentioned cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cam

JL 24 800

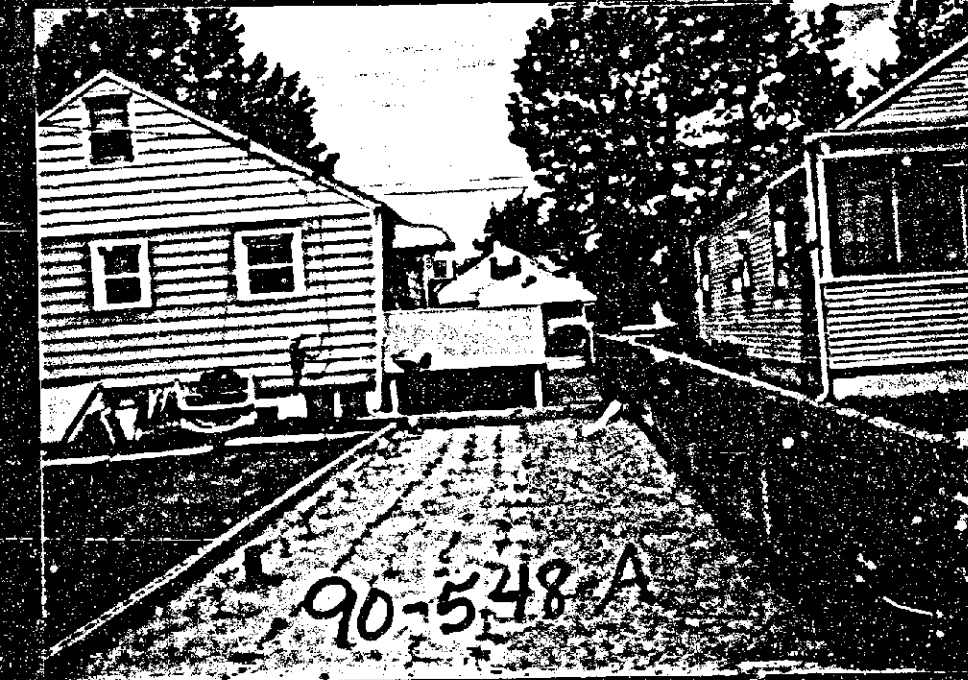


Petitioner's Exhibit 1

Plat for Zoning Variance (203 German Hill Rd)
 Zoning DH 5.5
 Owners: Michael and Linda Reddy
 Election District 12
 Councilmanic District 7 Lot size-6749 sq. ft. - .156 Ac.
 Subdivision-Gray Manor
 Plat Book Reference 12/112 Lot 137
 Utilities located in German Hill Blvd.
 SCALE - 1"= 50'
 Site is not within Chesapeake Bay Critical Area

90-548-A

440





440

